

Theodore H. Frank (SBN 196332)
Adam E. Schulman (admitted *pro hac vice*)
HAMILTON LINCOLN LAW INSTITUTE
1629 K Street NW, Suite 300
Washington, DC 20006
Voice: 610-457-0856
Email: adam.schulman@hlli.org

Attorneys for Plaintiff Christopher Kohls

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Christoper Kohls,

Plaintiff,

v.

Rob Bonta, et al.,

Defendants.

Case No. 2:24-cv-02527-JAM-CKD

**Declaration of Christopher Kohls in
Support of Plaintiffs' Motion for
Summary Judgment**

Judge: John A. Mendez

The Babylon Bee, LLC, et al.

Plaintiffs,

v.

Rob Bonta, et al.

Defendants.

Case No. 2:24-cv-02787-JAM-CKD

Rumble, Inc., et al.,

Plaintiffs,

v.

Rob Bonta, et al.

Defendants.

Case No. 2:24-v-03315-JAM-CKD

Decl. of Christopher Kohls

X Corp.,

Plaintiff,

v.

Rob Bonta, et al.

Defendants.

Case No. 2:24-cv-03162-JAM-CKD

DECLARATION OF CHRISTOPHER KOHLS

I, Christopher Kohls, declare as follows:

1. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. I am the plaintiff in the first-filed case in this consolidated action, No. 24-cv-02527.

3. I verified the personal allegations of my complaint, concerning myself, my activities, and my intention under penalty of perjury. Kohls Complaint, Dkt. 1 at 37

4. Those averments remain true today. I submit this declaration to expand on and supplement those averments as to my activities and intentions.

5. As attested in my verified complaint, I created and operate the @MrReaganUSA X account and “Mr Reagan” YouTube and Facebook accounts, where I regularly publish political content that I have created.

6. I also created and operate the “MrReagan” account on Rumble, which I started in 2020, where I post the same type of content as on the other platforms. I currently have about 10,000 followers on Rumble. As with YouTube and X (formerly Twitter), my Rumble account is monetized.

7. On the YouTube and X accounts referenced in paragraph 5 above, I have been posting political commentary since 2018. On my Facebook channel, I have been posting political commentary since 2019.

8. As I explain in my complaint, many of the political videos that I create and post on social media and video-sharing platforms lampoon political figures and candidates, sometimes in the manner of political ad parodies.

9. For one example, in late 2023, I published a video on YouTube titled “Joe Biden – Honest Ad” in which I spliced together actual clips of Joe Biden suffering from aphasia to demonstrate his diminished capacity to hold the office of President. *See* https://www.youtube.com/watch?v=aRoR1wjf3kY&ab_channel=MrReagan.

Decl. of Christopher Kohls

10. On July 26, 2024, I published on X, Rumble, and YouTube the Harris Parody Video that became the target of Governor Newsom, AB 2839, and AB 2655. *See* Kohls Complaint ¶¶ 5-11, 31-35.

11. The Harris Video was the first time in a published political video I used AI-generative technology to mimic the subject's voice reading a script that I had written.

12. Altogether, I published on X, Rumble, or YouTube six separate Harris campaign parody videos during the 2024 election period that used AI technology to mimic Kamala Harris's voice reading text I had written: the Harris Parody Video; Kamala Harris Ad PARODY 2¹; Kamala Harris Ad PARODY 3²; Kamala Harris Ad PARODY 4³; and Kamala Harris Ad Parody 5⁴, Kamala Parody Ad 6 "Friends of Diddy"⁵. None of these videos contain the disclaimer required by AB 2839. These videos continue to be available online to California residents and viewers of these videos include California residents, like Governor Newsom.

13. During this time, I published other parody videos as well, like one titled "Elizabeth Warren Honest DNC Speech PARODY" in which I used the same technology to mimic the voice of Elizabeth Warren to read commentary that I had written responding to Warren's own speech endorsing Harris at the August 2024 Democratic National Convention. *See*

https://www.youtube.com/watch?v=axuak8SLPeE&ab_channel=MrReagan. I published another parody video of a fictitious phone call between Kamala Harris and Tim Walz

¹ https://rumble.com/v596gw5-kamala-harris-ad-parody-2.html?e9s=src_v1_upp.

² https://rumble.com/v5ayd25-kamalas-new-ad-is-lit-parody.html?e9s=src_v1_upp.

³ https://www.youtube.com/watch?v=Zwj6Gy8lno0&ab_channel=MrReagan.

⁴ https://www.youtube.com/watch?v=eV3SNMD-Q8&ab_channel=MrReagan.

⁵ <https://www.youtube.com/watch?v=AXerA8GnuwQ>

1 using the same technology. *See* Kamala/Tim Walz Phone Call PARODY⁶. And finally, I
2 also published a parody video of Governor Newsom defending California’s attempts to
3 censor satirical speech using the same technology. *See* Gavin Newsom Parody⁷.

4 14. These videos are unusually realistic in several ways. The AI-generated
5 voices tend to be realistic and accurate reproductions of the subject’s voice and
6 mannerism of speaking. Additionally, I use real images and videos of the politicians.
7 What “gives away” that these videos are parodies are the absurd statements being made.

8 15. As I attested to in my complaint, I intend to continue making and posting
9 videos of political figures and candidates using this same AI-generative technology during
10 future election seasons. *See* Kohls Complaint ¶ 92. I do not intend to publish these videos
11 with the disclaimer required by AB 2839.

12 16. Although my intention is to satirize those candidates, I have seen numerous
13 persons, including the chief executive official of California, Gavin Newsom, claim that my
14 AI-generated videos are so realistic as to deceive viewers, reasonable and unreasonable
15 alike, into thinking that the political subject of my video actually said the words that I
16 present them as saying Governor Newsom’s public comments about my videos make clear
17 to me that he and many other government officials and advocacy groups in California
18 believe that AB 2839 and AB 2655 should be used to target the type of videos that I
19 make.

20 17. For example, Rob Weissman, co-president of the advocacy group Public
21 Citizen claimed that “most people” would be deceived by my July 26 Harris video. “I’m
22 certain that most people looking at it don’t assume it’s a joke... precisely because it feeds
23 into preexisting themes that have circulated around her, most people will believe it to be
24 real.” Ali Swenson, *A parody ad shared by Elon Musk clones Kamala Harris’ voice*,

25
26 ⁶ https://rumble.com/v5ab5x8-kamala-tim-walz-phone-call-parody.html?e9s=src_v1_upp.

27 ⁷ <https://www.youtube.com/watch?v=drWhPBarXQw>.

1 *raising concerns about AI in politics*, AP (Jul. 29, 2024), available at
 2 [https://apnews.com/article/parody-ad-ai-harris-musk-x-misleading-](https://apnews.com/article/parody-ad-ai-harris-musk-x-misleading-3a5df582f911a808d34f68b766aa3b8e)
 3 [3a5df582f911a808d34f68b766aa3b8e](https://apnews.com/article/parody-ad-ai-harris-musk-x-misleading-3a5df582f911a808d34f68b766aa3b8e)
 4 [https://web.archive.org/web/20240804001053/https://apnews.com/article/parody-ad-ai-
 5 harris-musk-x-misleading-3a5df582f911a808d34f68b766aa3b8e].

6 18. Multiple outlets issued “fact checks” about the July 26 Harris video,
 7 including VERIFY, a team owned by TEGNA, the country’s largest owners of local
 8 television stations. Erin Jones, *Kamala Harris campaign ad shared by Elon Musk is not*
 9 *real*, VERIFY (Jul. 29, 2024), available at
 10 [https://www.verifythis.com/article/news/verify/social-media/kamala-harris-campaign-ad-](https://www.verifythis.com/article/news/verify/social-media/kamala-harris-campaign-ad-video-shared-by-elon-musk-is-manipulated-ai-fact-check/536-af978101-50d9-41eb-979b-43f9cdbab01e)
 11 [video-shared-by-elon-musk-is-manipulated-ai-fact-check/536-af978101-50d9-41eb-979b-](https://www.verifythis.com/article/news/verify/social-media/kamala-harris-campaign-ad-video-shared-by-elon-musk-is-manipulated-ai-fact-check/536-af978101-50d9-41eb-979b-43f9cdbab01e)
 12 [43f9cdbab01e](https://www.verifythis.com/article/news/verify/social-media/kamala-harris-campaign-ad-video-shared-by-elon-musk-is-manipulated-ai-fact-check/536-af978101-50d9-41eb-979b-43f9cdbab01e) [https://archive.ph/wip/BzTo3]; *see also* Ed Payne, Fact Check: Video Is
 13 NOT Real Campaign Ad Using Kamala Harris’ Voice, It’s Deepfake, LEAD STORIES
 14 (Jul. 29, 2024), available at [https://leadstories.com/hoax-alert/2024/07/fact-check-video-is-](https://leadstories.com/hoax-alert/2024/07/fact-check-video-is-not-real-campaign-ad-using-kamala-harris-voice.html)
 15 [not-real-campaign-ad-using-kamala-harris-voice.html](https://leadstories.com/hoax-alert/2024/07/fact-check-video-is-not-real-campaign-ad-using-kamala-harris-voice.html) [https://archive.ph/xerMi].

16 19. Since I have filed my complaint, I have learned that others, such as
 17 consolidated co-plaintiff Kelly Chang Rickert, have been chilled by California’s laws from
 18 resharing my content. *See* Babylon Bee, LLC and Kelly Chang Rickert Verified
 19 Complaint, Dkt. 21, ¶¶ 118-21.

20 20. Deterring others from resharing my content inflicts a monetary harm on me
 21 by limiting the reach of my posts. As discussed in my complaint (¶106), I earn my living
 22 via monetization of my content on large online platforms. Monetization, in turn, depends
 23 upon the number of users viewing and engaging with my content.

24 21. Deterring others from resharing also inflicts a First Amendment injury on
 25 me by limiting the total audience that sees my videos via large online platforms.

26 22. If the government were to use AB 2839 and AB 2655 to target the type of
 27 videos that I make—as Governor Newsome and others have suggested they should—the
 28 Decl. of Christopher Kohls

1 ensuing enforcement actions would likely be costly for content-creators, including myself,
2 to defend. Thus, even the threat of enforcement imposes harm on me and other content
3 creators by threatening us from engaging in protected speech about political elections and
4 issues.

5 I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct.

7

8

Executed on March 5, 2025.

9

10

11

12

A handwritten signature in black ink, appearing to read 'C. Kohls', with a long horizontal line extending to the right.

Christopher Kohls

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28 Decl. of Christopher Kohls